

1-1 By: West S.B. No. 1918
1-2 (In the Senate - Filed March 12, 2009; March 24, 2009, read
1-3 first time and referred to Committee on Intergovernmental
1-4 Relations; April 20, 2009, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 5, Nays 0;
1-6 April 20, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1918 By: West

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to disclosure of certain information by a property owners'
1-11 association.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 207.003, Property Code, is amended by
1-14 amending Subsections (c) and (d) and adding Subsections (f) and (g)
1-15 to read as follows:

1-16 (c) A property owners' association may charge a reasonable
1-17 fee to assemble, copy, and deliver the information required by this
1-18 section and may charge a reasonable fee to prepare and deliver an
1-19 update of a resale certificate under Subsection (f).

1-20 (d) The property owners' association shall deliver the
1-21 information required by Subsection (a) or (f) to the person
1-22 specified in the written request. A written request that does not
1-23 specify the name and location to which the information is to be sent
1-24 is not effective. The property owners' association may deliver the
1-25 information required by Subsection (a) and any update to the resale
1-26 certificate required by Subsection (f) by mail, hand delivery, or
1-27 alternative delivery means specified in the written request.

1-28 (f) Not later than the seventh day after the date a written
1-29 request for an update to a resale certificate delivered under
1-30 Subsection (a) is received from an owner, owner's agent, or title
1-31 insurance company or its agent acting on behalf of the owner, the
1-32 property owners' association shall deliver to the owner, owner's
1-33 agent, or title insurance company or its agent an updated resale
1-34 certificate that contains the following information:

1-35 (1) if a right of first refusal or other restraint on
1-36 sale is contained in the restrictions, a statement of whether the
1-37 property owners' association waives the restraint on sale;

1-38 (2) the status of any unpaid special assessments,
1-39 dues, or other payments attributable to the owner's property; and

1-40 (3) any changes to the information provided in the
1-41 resale certificate issued under Subsection (a).

1-42 (g) Requests for an updated resale certificate pursuant to
1-43 Subsection (f) must be made within 180 days of the date a resale
1-44 certificate is issued under Subsection (a). The update request may
1-45 be made only by the party requesting the original resale
1-46 certificate.

1-47 SECTION 2. The change in law made by this Act applies only
1-48 to a request for an updated resale certificate received by a
1-49 property owners' association on or after the effective date of this
1-50 Act. A request received before the effective date of this Act is
1-51 governed by the law in effect immediately before the effective date
1-52 of this Act, and that law is continued in effect for that purpose.

1-53 SECTION 3. This Act takes effect September 1, 2009.

1-54 * * * * *